

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., April 13, 2004

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the previous meeting
-

SELECTION OF VICE MAYOR

- Selection of Vice-Mayor.

RECOMMENDED ACTION: Select the Vice-Mayor.

AWARDS AND PRESENTATIONS

- Proclamations
-

UNFINISHED BUSINESS

1. Appointment of Public Facilities Naming Committee. (District I)
(Deferred April 6, 2004)

RECOMMENDED ACTION: Appoint a Mayor's Advisory Committee
to consider the proposed names for Fire
Station No. 10.

2. Realignment of McCormick from Leonine to Southwest Boulevard. (District IV)
(Deferred April 6, 2004)

RECOMMENDED ACTION: Approve the Petition and the supplemental
design contract and adopt the resolution.

3. ZON003-00069-Zone Change from Single-Family Residential and General Office to Neighborhood Retail.
Generally Located on the Southeast Corner of Central and Vassar. (DISTRICT II)
(Continued from March 16, 2004)

RECOMMENDED ACTION: Adopt the revisions as presented, or
adopt the Ordinance as approved on first reading.

NEW BUSINESS

4. Request for Letter of Intent for Health Care Facilities Refunding Revenue Bonds, Presbyterian Manors, Inc.

Presbyterian Manor Inc., a Kansas not-for-profit corporation, wishes to refinance its outstanding bonds and is requesting City Council approval of a Letter of Intent to issue its Health Care Facilities Refunding Revenue Bonds in an approximate amount of \$25,000,000.

RECOMMENDED ACTION: Approve a Letter of Intent for Health Care Facilities Refunding Revenue Bonds to Presbyterian Manor, Inc. in an amount not to exceed \$25,000,000, subject to the Standard Letter of Intent Conditions.

5. Comprehensive Compliance Report.

The City of Wichita provides various financial incentives to attract and encourage business expansions. Monitoring is performed to ensure compliance with conditions associated with issuance of revenue bonds, tax exemption approval, CDBG funding, and HOME funding.

RECOMMENDED ACTION: Receive and file the Comprehensive Compliance Report.

(9:30 a.m. or soon thereafter)

6. Repair or Removal of Dangerous & Unsafe Structures. (Districts I, II and VI)

On March 1, 2004, a report was submitted with respect to the dangerous and unsafe conditions on seven (7) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9: 30 a.m. or soon thereafter, on April 13, 2004.

<u>Property Address</u>	<u>Council District</u>
a. 508 North Cleveland	I
b. 643 North Gordon	VI
c. 3318 North Market	VI
d. 3121 East Maplewood	I
e. 2756 North Madison	I
f. 428 West Skinner	III
g. 6155 South Kansas	III

RECOMMENDED ACTION: Close the Public Hearing, adopt the resolutions declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) all taxes have been paid to date, as of April 13, 2004; (2) the structures have been secured as April 13, 2004 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of April 13, 2004 and will be so maintained during renovation.

7. Recertification of Paratransit Eligible Passengers.

The Americans with Disabilities Act (ADA), requires the City to provide paratransit van service to persons who, as a result of a physical or cognitive disability, are unable to independently access or use fixed route transit.

RECOMMENDED ACTION: Approve the recertification plan as presented.

CITY COUNCIL AGENDA

8. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

CONSENT AGENDA

9. Report of the Board of Bids and Contracts Dated April 12, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

10. Applications for Licenses for Adult Entertainment Establishments/Services:

Renewal Adult Entertainment

Adult Entertainment Industries Inc.*

Lewis F. Self, Jr.	*dba After Dark Video	2809 North Broadway
Lewis F. Self, Jr.	*dba After Dark Video	3721 South Broadway
Lewis F. Self, Jr.	*dba After Dark Video	7805 Kellogg

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

11. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
James D. Crowder	Tropics Lounge*	2705 North Broadway
Ricky D. Morey	Morey's Deli & Keno*	3316 South Broadway
Jose L. Mejia	El Jalisco Restaurant*	617 East 47th Street South
<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Stan Edde	Falley's Inc. dba Food 4 Less #60	1607 South Georgetown
Stan Edde	Falley's Inc. dba Food 4 Less #61	3137 South Seneca
Stan Edde	Falley's Inc. dba Food 4 Less #62	1910 West 21st Street North.

(Item 11 continued)

<u>New</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Linda J. Brill	Uncle Russell's BBQ & Catering*	1346 South Mosley
<u>New Operator</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Rod Wentling	Charlotte's Rib*	1548 Ida
<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Brandon Diep	Speedway	565 South Market

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

12. Preliminary Estimates:

- a) 2004 Contract maintenance hot-in-place asphalt repaving (various locations north of Douglas - east of Hydraulic. (472-83921/132716/620398/_/664518) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II) - \$428,780
- b) Lakecrest Circle from the north line of Havenhurst, north to and including cul-de-sac; Havenhurst from the west line of the plat, east to the west line of Lakecrest; Lakecrest from the east line of Havenhurst, south to the north line of 37th Street North; Lakecrest Court (Lots 9 thru 17, Block A), from the west line of Lakecrest west to and including cul-de-sac; Lakecrest Court (Lots 1 thru 6, Block A), from the west line of Lakecrest west to and including cul-de-sac; Lakecrest Court (Lot 3, Block D, and Lots 1 thru 3, Block C), from the south line of Lakecrest, south to and including cul-de-sac to serve Ridge Addition - north of 37th Street North, west of Ridge. (472-83888/765832/490943) Does not affect existing traffic. (District V) - \$303,000
- c) Water distribution system to serve Harbor Isle Third Addition - south of 53rd Street North, east of Meridian. (448-89473/735170/470840) Does not affect existing traffic. (District VI) - \$170,000
- d) 20th Street from the east line of Webb Road to 220' east of the east line of Webb Road to serve Hanley Second Addition - south of 21st Street North, east of Webb. (472-83937/765844/490955) Does not affect existing traffic. (District II) - \$100,000
- e) Planeview grant funded sanitary sewer reconstruction, Phase 2 N/A - south of Pawnee, east of Hillside) (468-83675/620378/663499. Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$238,000
- f) 2004 sanitary sewer reconstruction Phase 3 (various locations) - north of 31st Street South, between 119th Street West and Webb Road. (468-83763/620401/664521) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,IV,VI) - \$275,000
- g) 2004 sanitary sewer rehabilitation Phase B (various locations) - north of Kellogg, between Maize and Woodlawn. (468-83764/620400/664520) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,V,VI) - \$269,000

(Item 12 continued)

- h) Lateral 361 Four-Mile Creek Sewer to serve Gateway Center and Kiser West Additions - south of 13th Street North, east and west of Greenwich. (468-83747/744042/480730) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$331,000
- i) Water distribution system to serve Highland Springs Third Addition - south of Central, west of 135th Street West. (448-89827/735179/470849) Does not affect existing traffic. (District V) - \$64,000
- j) Lateral 13, Main 19 Southwest Interceptor Sewer to serve Tyler's Landing & Tyler's Landing Second Additions - south of 37th Street North, east of Tyler. (468-83725/744033/480721) Does not affect existing traffic. (District V) - \$295,000
- k) Lateral 37 Cowskin Interceptor Sewer to serve Highland Springs Third Addition - south of Central, west of 135th Street West. (468-83634/744045/480733) Does not affect existing traffic. (District V) - \$85,000
- l) Eberly Court from the west line of 119th Street West, to and including the cul-de-sac to serve Laurel Acres and Unplatted Tracts (south of 21st Street North, west of 119th Street West) (472-83886/765847/490958) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$190,800
- m) 2004 Contract maintenance ultra thin asphalt Overlay - various locations north of Harry, east of Maize Road. (472-83924/132716/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V,VI) - \$521,300
- n) Water distribution system to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (448-89891/735167/470837) Does not affect existing traffic. (District V) - \$187,000
- o) Lateral 33 Cowskin Interceptor Sewer to serve Southern Ridge Addition - south of Pawnee, west of Maize. (468-83549/744048/480736) Does not affect existing traffic. (District V) - \$34,000
- p) Water distribution system to serve Southern Ridge Addition - south of Pawnee, west of Maize. (448-89766/735182/470852) Does not affect existing traffic. (District V) - \$44,000
- q) Lateral 5, Main 5 Northwest Interceptor Sewer to serve Copper Gate Estates Addition -south of 13th Street North, west of 135th Street West. (468-83533/744047/480735) Does not affect existing traffic. (District V) - \$154,000
- r) Lateral 44, Main 24 War Industries Sewer to serve Remington Place 3rd Addition - south of 21st Street North, east of Webb. (468-83768/744049/480737) Does not affect existing traffic. (District II) - \$187,500
- s) Water distribution system, Phase 4 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89836/735184/470854) Does not affect existing traffic. (District V) - \$59,000
- t) Water distribution system, Phase 5 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89837/735185/470855) Does not affect existing traffic. (District V) - \$25,000

(Item 12 continued)

- u) 35th Street South from the south line of Lot 31, Block A, north and east to the west line of Maize Road; 35th Court South from the west line of 35th Street South north to and including the cul-de-sac to serve Lots 23 thru 30, Block A; 35th Court South from the north line of 35th Street South north to and including the cul-de-sac to serve Lots 16 thru 22, Block A; 35th Court South from the north line of 35th Street South north to and including the cul-de-sac to serve Lots 11 thru 15, Block A; 35th Court South from the south line of 35th Street South north to and including the cul-de-sac to serve Lots 10 thru 23, Block B; Sidewalk constructed along one side of 35th Street South to serve Harvest Ridge Addition - south of 31st Street South, west of Maize. (472-83804/765856/490967) Does not affect existing traffic. (District V) - \$519,000

RECOMMENDED ACTION: Approve and file.

13. Deeds and Easements:

- a) Utility Easement dated March 16, 2004 from R&R Realty, L.L.C., a Kansas Limited Liability Company for tracts of land located in Lot 1, Block B and Lots 1 and 2, Block A, all in Tyler's Landing 2nd Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- b) Dedication dated March 26, 2004 from Slawson Commercial Properties, L.L.C., for a tract of land located in the Northeast Quarter of Section 9, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (21st & Regency Park signal, OCA #765859). No cost to City.
- c) Public Utility Easement dated April 1, 2004 from The Elms, LLC for a tract of land located in Lots 26 through 43, Block 20, Schweiter's Ninth Addition to the City of Wichita, Sedgwick County, Kansas (Harry, I-135-GWB, OCA #706851). No cost to City.

RECOMMENDED ACTION: Accept documents.

14. Petitions for Public Improvements:

- a) Construct a sanitary sewer for Highland Springs Third Addition, west of 135th Street West, south of Central. (District V)
- b) Construct a sanitary sewer in Harbor Isle Third Addition, east of Meridian, south of 53rd Street North. (District VI)
- c) Construct a sanitary sewer in Tyler's Landing Second Addition, south of 37th Street North, east of Tyler. (District V)
- d) Renovate building façade at 712 West Douglas. (District IV)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

15. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

16. Report on Claims Allowed March, 2004:

<u>Name of Claimant</u>	<u>Amount</u>
Cox, Robert P.	\$1,498.19**
Kansas Gas Service	\$255.82**
Pham, Toan T.	\$1,479.96
Teter, Kimeron	\$215.93

**Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

17. Agreements/Contracts:

- a) Murdock Street Bridge over the Little Arkansas River. (District VI)-Supplemental
- b) Construction engineering and staking in Northridge Addition, north of 37th Street North, west of Ridge. (District V)-Supplemental.
- c) Special waste disposal site-Contract.
- d) Change of trustee bank for industrial revenue bond issues, Weyerhaeuser Company. (District IV)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

18. Design Services Agreements:

- a) Ridge Port North Fifth Addition, south of 37th Street North, east of Ridge. (District V)
- b) Liberty Park Second Addition & Copper Gates Estates, south of 13th, east of 135th Street West. (District V)
- c) Harvest Ridge Addition, west of Maize, south of 31st Street South. (District IV)
- d) The Collective, east of K-96, south of 21st Street. (District II)
- e) Remington Place Third Addition, south of 21st Street, east of Webb. (District II)
- f) Fox Ridge Addition, north of 29th Street North, between Maize and Tyler. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

19. Acquisition of a Permanent Easement over a Portion of 12600 West 13th Street North for 13th Street Bridge over Cowskin Creek. (District V)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

20. Change Order: Hoover Improvement from South of 31st Street South to Harry. (District IV)

RECOMMENDED ACTION: Approve the change order and authorize the necessary signatures.

21. Settlement of Lawsuit-Jason Young v. City of Wichita, Case No. 04 CV 496.

RECOMMENDED ACTION: Approve the settlement payment in Case No. CV 496 of \$23,500.

22. Reroute Later Sewer Line in 1400 Block of North Rock Road to Minimize Risks of Sewer Blockages in Condominium Development, Located at 1441 North Rock Road. (District II)

RECOMMENDED ACTION: Approve the project; authorize a budget of \$18,000 for the project; and authorize the Mayor to sign a contract with W.B. Carter to Complete the work within the next 30 days.

23. Police Briefing Room.

RECOMMENDED ACTION: Approve the project.

24. Training Grant to Stop Abuse and Sexual Assault Against Older Individuals or Individuals with Disabilities.

RECOMMENDED ACTION: Approve the application and authorize the necessary signatures.

25. Second Reading Ordinances: (First read April 6, 2004)

a) Tax exemption - Cox Machine, Inc. (District V)

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Cox Machine, Inc, so exempted.

b) 2004 Street Rehabilitation Program. (Districts I & VI)

An Ordinance declaring the Hydraulic, from the westbound K-96 Expressway off-ramp to 37th Street North and Seneca, from 53rd street North to 61st Street North (2004 Street Rehabilitation Program) 472-83925, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

c) Unpaid sewer service charges and/or water service charges sewer and/or water service

An Ordinance making a special assessment to pay the cost of unpaid sewer charges and/or water service charges in the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas.

(Item 25 continued)

- d) ZON2004-00005 - generally located at the southwest corner of Maple and 119th Street West.
(District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2004-00005

- e) ZON2003-64 - located south of Kellogg on the west side of Greenwich Road. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2004-00005

- f) A04-04 - generally located southeast of the intersection of Gilbert Street and Clear Creek Street.
(District II)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A 04-04

- g) A04-11 - generally located southwest of the intersection of 143rd Street East and 21st Street North.
(District II)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A 04-11

- h) A04-12 - generally located northwest of the intersection of 119th and Pawnee Road. (District IV)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A 04-12

RECOMMENDED ACTION: Adopt Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

26. *SUB 2003-136-Plat of Krug North Addition, Located on the Northwest Corner of 21st Street North and 143rd Street East. (District II)

RECOMMENDED ACTION: Approve the documents and plat and authorize
the necessary signatures.

27. *DED 2004-10 & 11-Dedication of Street Right-of-Way and Dedication of a Utility Easement for Property Located on the East Side of Sheridan and North of Ninth Street.

RECOMMENDED ACTION: Accept the Dedications.

28. *VAC2004-00004-Request to Vacate a Portion of Platted Setbacks. Generally Located Midway Between 53rd Street North and the K-96 –IH 235, West of Meridian Avenue, more Specifically Southwest of the Keywest Street-Meridian Avenue Intersection, the Corner Lot on Bentbay Street and Baja Street and the Corner Lot of Timbercreek Street and Baja Street. (District VI)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

29. *Corrective Ordinance for Z-3179 and ZON2000-00027 Zone Change from Two-Family Residential to General Office, Limited Commercial and Multi-family Residential. (District II)

RECOMMENDED ACTION: Approve first reading of the ordinance and authorize the necessary signatures.

30. A04-13-Request by Socora Homes, Inc. to Annex Land Located Near the Northeast Corner of the Intersection of 29th Street North and 119th Street West. (District V)

RECOMMENDED ACTION: Approve the annexation request and first reading of the Ordinance.

Adjournment

Workshop to follow